



# BACKGROUND PAPER

*Fair Work Act 2009*

s.156—4 yearly review of modern awards

## **4 Yearly Review of modern awards—First Aid allowance—*Pastoral Award 2010***

(AM2014/239)

SYDNEY, 25 JULY 2017

*Note: This is a background document only and does not purport to be a comprehensive discussion of the issues involved. It has been prepared by the Commission research area and does not represent the view of the Commission on any issue.*

### **1. Introduction**

- [1] The purpose of this paper is to provide background information about the First Aid allowance in the *Pastoral Award 2010*<sup>1</sup> as per the Group 3 Decision, [\[2017\] FWCFCB 3433](#), at [113].
- [2] The Fair Work Commission has produced this background paper in order to assist interested parties in the preparation of submissions in the matter. The background paper is intended to identify, for the benefit of the parties, examples of first aid provisions in other modern awards.
- [3] Interested parties are invited to consider the material contained in this background paper and provide any response by **4:00 pm on Friday 4 August 2017**.

### **2. *Pastoral Award 2010*, clause 17.4(b)**

#### **Payable for all purposes:**

An employee designated by the employer to render first aid in addition to his or her usual duties and who is the current holder of a recognised first aid qualification, such as one from St John Ambulance or a similar body, must be paid a daily allowance of 14% of the standard rate to carry out such work.

#### **Exposure draft, clause 10.1(c)<sup>2</sup>**

An employee appointed by their employer to perform first aid in addition to their usual duties, and holding a current recognised first aid qualification, such as one

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<sup>1</sup> [MA000035](#)

<sup>2</sup> Exposure draft republished [17 July 2017](#) (rates updated as per AWR 2016-17)

from St John Ambulance or similar body, must be paid an allowance of **\$2.63** per day to carry out such work.

### **AWU proposal<sup>3</sup>**

An employee appointed by their employer to perform first aid **duty as required** in addition to their usual duties, and holding a current recognised first aid qualification, such as one from St John Ambulance or **a** similar body, must be paid an allowance of **\$2.63** per day **to carry out such work**.

### **3. Examples of first aid allowance clauses in other modern awards**

#### ***Horticulture Award 2010<sup>4</sup>, Clause 17.1(d)***

##### **Payable for all purposes**

An employee who has undertaken a first aid course and who is the holder of a current recognised first aid qualification such as a certificate from the St John Ambulance or similar body must be paid an allowance, per week, equal to 51% of the standard rate per week if they are appointed by the employer to perform first aid duty.

#### ***Wine Industry Award 2010<sup>5</sup>, clause 24.5(c)***

An employee who is the current holder of appropriate first aid qualifications, such as a certificate from the St John Ambulance or similar body and is appointed by the employer to perform first aid duty must be paid 75.6% of the standard rate per week extra or 15.1% of the standard rate per day extra.

#### ***Seafood Processing Award 2010<sup>6</sup>, clause 19.1(a)***

An employee who has been trained to render first aid and who is the current holder of appropriate first aid qualifications such as a certificate from the St John Ambulance or similar body must be paid 75.6% of the standard rate per week extra if appointed by their employer to perform first aid duty.

#### ***Sugar Industry Award 2010<sup>7</sup>, clause 22.15***

##### **Milling, distillery, refinery and maintenance stream**

Any appropriately qualified employee rostered by the employer to perform first aid duty must be paid a weekly allowance of 59.59% of the standard hourly rate.

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<sup>3</sup> See AWU [Submission](#), 17 April 2016, para 13 (rates updated as per AWR 2016-17)

<sup>4</sup> [MA000028](#)

<sup>5</sup> [MA000090](#)

<sup>6</sup> [MA000068](#)

<sup>7</sup> [MA000087](#)

***Sugar Industry Award 2010<sup>8</sup>, clause 23.1***

**Bulk sugar terminal operations stream**

Any appropriately qualified employee rostered by the employer to perform first aid duty must be paid a weekly allowance of 99.11% of the standard hourly rate.

***Aquaculture Industry Award 2010<sup>9</sup>, clause 15.1***

Any full-time employee holding first aid qualifications from St John Ambulance and appointed by the employer to perform first aid duty will receive 0.34% of the standard rate per working day.

***Cleaning Services Award 2010<sup>10</sup>, clause 17.4***

An employee who has been trained to render first aid and who is the current holder of appropriate first aid qualifications (such as a certificate from St John Ambulance or a similar body) will be paid an amount of 1.64% of the standard rate per week if they are appointed in writing by their employer to perform first aid duty.

***Dry Cleaning and Laundry Industry Award 2010<sup>11</sup>, clause 15.1***

An employee who has been trained to render first aid, who holds a current first aid qualification and who is appointed by the employer to perform first aid duty will be paid an additional 2% of the standard rate per week.

***Banking, Finance and Insurance Award 2010<sup>12</sup>, clause 18.2(a)***

Where an employer is required by legislation to appoint an accredited first aid officer(s) to perform first aid duties, such appointed employee(s) must be paid 1.84% of the standard rate per week for full-time employees and a pro rata amount for part-time employees.

***Gardening and Landscaping Services Award 2010<sup>13</sup>, clause 15.8***

An employee holding a first aid qualification from St John Ambulance or equivalent and who is appointed by the employer to perform first aid duties will be paid an allowance of 2% of the standard rate per week.

***Manufacturing and Associated Industries and Occupations Award 2010<sup>14</sup>, clause 32.2(b)***

An employee who has been trained to render first aid and who is the current holder of appropriate first aid qualifications such as a certificate from the St John

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<sup>8</sup> [MA000087](#)

<sup>9</sup> [MA000114](#)

<sup>10</sup> [MA000022](#)

<sup>11</sup> [MA000096](#)

<sup>12</sup> [MA000019](#)

<sup>13</sup> [MA000101](#)

<sup>14</sup> [MA000010](#)

Ambulance or similar body must be paid 75.6% of the standard rate per week extra if appointed by their employer to perform first aid duty.

***Miscellaneous Award 2010*<sup>15</sup>, clause 15.2**

An employee who has been trained to render first aid and who is the current holder of appropriate first aid qualifications such as a certificate from St John Ambulance or similar body must be paid an extra 2% of the standard rate per week if appointed by their employer to perform first aid duties.

***Children's Services Award 2010*<sup>16</sup>, clause 15.4**

- (a) Where an employee classified below Level 3 is required by the employer to administer first aid to children within the employee's care and the employee holds a current recognised first aid qualification such as a certificate from the St John Ambulance, the Australian Red Cross or a similar body they will be paid an allowance of 1.13% of the standard rate per day. Where the employee is employed in out-of-school hours care, the allowance will be 0.15% of the standard rate per hour.
- (b) Provided that a first aid officer need not be appointed where a qualified nurse is on the premises at all times.
- (c) Where an employee is required by an employer to act as a first aid officer and they do not have current qualifications, the employer must pay the costs of any required training.

#### **4. Comparison**

[1] When compared to the *Pastoral Award 2010*, the key difference is that the awards above provide for payment of the allowance where the employee is appointed to perform 'first aid *duty*' [emphasis added].

[2] The *Pastoral Award 2010*, by contrast, provides for payment of the allowance where the employee is appointed to perform first aid (as opposed to first aid *duty*).

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<sup>15</sup> [MA000104](#)

<sup>16</sup> [MA000120](#)